IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

Bail Appl..No. 4916 of 2007()
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CRIME NO.208/07 OF THE FEROKE POLICE STATION
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: PETITIONER/ACCUSED

ISMAIL, S/O MUHAMMED HAJI,
AGED 21 YEARS, KODIKKALPARAMBA HOUSE,
KUZHIMANNA P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA, THROUGH THE
SUB INSPECTOR OF POLICE,
FEROKE POLICE STATION, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 4916 of 2007

Dated this the 14th day of August, 2007

ORDER

Application for regular bail. The petitioner was taken into custody on 21/7/07 because the detecting officer felt suspicion about the possession of 10 filled gas cylinders and 4 empty gas cylinders in the possession of the petitioner in a car. The petitioner was interrogated. Subsequently, offence under Sec.379 of the IPC has also been included among the sections of offences. The petitioner continues in custody from 21/7/07. The learned counsel for the petitioner submits that the petitioner has absolutely no criminal antecedents. He has been unnecessarily detained in custody. No specific allegation has been raised so far by the prosecution as to where and from whose possession theft, if any, has been committed. In these circumstances, continued detention of the petitioner is not necessary. He may be enlarged on bail, it is prayed.

2. The learned Public Prosecutor does not oppose the

prayer for regular bail. I am satisfied that the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

3. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays between 10 a.m. and 11 a.m. for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT, JUDGE)

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